

Application No. 10/751,092

REMARKS

Claims 1-6, 8-19, 23, 24 and 26 are pending. By this Amendment, claims 1-2, 8-10, 23 and 26 are amended and claim 24 is canceled. The amendment to claims 1, 23 and 26 are supported, for example, by Figs. 1 and 2. No new matter is introduced by the present Amendment.

Applicant submitted an Information Disclosure Statement on July 7, 2004, but has not received an initialed copy of Form PTO-1449. Applicant respectfully requests a copy of Form PTO-1449 showing that the Examiner has considered the submitted references with the next communication.

Interview Summary

Applicant thanks the Examiner for a telephone interview on May 19, 2005. The subject of the interview related to the pending claims and U.S. Patent 3,205,860. No agreement was reached.

Rejections Under 35 U.S.C. § 103(a)

1. Rejections Under Moore In View of Struckhoff

The Examiner rejected claims 1-6, 8-12, 15-17, 23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,205,860 to Moore in view of U.S. Patent 3,004,518 to Struckhoff. More specifically, the Examiner asserted that "Moore discloses a feeding apparatus comprising a container (11, 12, 13) having a plurality of side walls; and an undulating extension surrounding the container having regions of increased extension and region of decreased extension." The Examiner cited Struckhoff for disclosing a container having a side wall with structure that defines an opening to permits access to the interior of the container. Applicant's invention, as currently claimed in independent claims 1, 23 and 26, is not rendered

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prima facie obvious by the combination of the Moore patent and the Struckhoff patent. Applicants respectfully request reconsideration of the rejection in view of the following comments.

The Moore patent does not teach or suggest an extension having an undulating perimeter comprising regions of increased radial extension and regions of decreased radial extension relative to the container. Rather, as depicted in Fig 8 of the Moore patent, extension 10 has a constant perimeter around container 12. Additionally, the Struckhoff patent does not teach or suggest extension having an undulating perimeter comprising regions of increased radial extension and regions of decreased radial extension relative to the container. In contrast, Applicant's invention, as claimed in independent claims 1, 23 and 26, relates to a feeding apparatus comprising a container and an extension surrounding the container having an undulating perimeter comprising regions of increased radial extension and regions of decreased radial extension relative to the container.

Moreover, with respect to independent claims 1 and 13, neither the Moore patent nor the Struckhoff patent disclose or suggest a feeding apparatus having an extension having an undulating perimeter comprising regions of increased radial extension having an outboard end and an inboard end, wherein the outboard end defines a plurality of separate eating stations. With respect to independent claim 26, neither Moore nor Struckhoff disclose or suggest a feeding apparatus having an undulating extension comprising regions of increased radial extension relative to the container that are adapted to separate adjacent livestock animals during feeding. Since neither the Moore patent nor the Struckhoff patent disclose or suggest all of the features of Applicant's claimed invention, neither the Moore patent nor the Struckhoff patent, alone or in combination, render Applicant's claimed invention prima facie obvious.

Since the combination of the Moore patent and the Struckhoff patent does not render Applicant's invention, as claimed in independent claims 1, 23 and 26, prima facie obvious,

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Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Struckhoff. While Applicants do not acquiesce in the assertions of the Examiner with respect to the features of the dependent claims, Applicant does not comment further on these issues at the present since they are moot in view of the analysis above.

2. Rejections Under Moore In View of Struckhoff and In Further View of Meyer

The Examiner rejected claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Struckhoff and in further view of U.S. Patent 5,092,273 to Meyer. Claims 13 and 14 depend directly or indirectly from claim 1, and as such incorporate all of the features of claim 1. As discussed above, the combination of the Moore patent and the Struckhoff patent does not disclose or suggest all of the features of Applicant's invention, as claimed in independent claim 1. Additionally, the Meyer patent does not make up for the deficiencies of the Moore patent and the Struckhoff patent. Since the combination of the Moore patent, the Struckhoff patent and the Meyer patent does not disclose or suggest all of the features of Applicant's invention, as claimed in independent claim 1, Applicant respectfully requests the withdrawal of the rejection of claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Struckhoff and in further view of Meyer.

3. Rejections Under Moore In View of Struckhoff and In Further View of Jones

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view Struckhoff and in further view of U.S. Patent 2,715,386 to Jones. Claim 18 indirectly depends from claim 1, and as such incorporates all of the features of claim 1. As discussed above, the combination of the Moore patent and the Struckhoff patent does not disclose or suggest all of the features of Applicant's invention, as claimed in independent claim

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1. Additionally, the Jones patent does not make up for the deficiencies of the Moore patent and the Struckhoff patent. Since the combination of the Moore patent, the Struckhoff patent and the Jones patent does not disclose or suggest all of the features of Applicant's invention, as claimed in independent claim 1, Applicant respectfully requests the withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Struckhoff and in further view of Jones.

4. Rejections Under Moore In View of Struckhoff and In Further View of Fort, II

The Examiner rejected claims 19 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Struckhoff and in further view of Fort, II. Applicant has cancelled claim 24. With respect to claim 19, that claim depends from claim 1, and therefore incorporates all of the features of claim 1. As discussed above, the combination of the Moore patent and the Struckhoff patent does not disclose or suggest all of the features of Applicant's invention, as claimed in independent claim 1. Additionally, the Fort, II patent does not make up for the deficiencies of the Moore patent and the Struckhoff patent. Since the combination of the Moore patent, the Struckhoff patent and the Fort, II patent does not disclose or suggest all of the features of Applicant's invention, as claimed in independent claim 1, Applicant respectfully requests the withdrawal of the rejection of claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Struckhoff and in further view of Fort, II.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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